

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

JUL 27 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

1998 Biennial Regulatory Review -- Amendment of Parts 2, 25 and 68 of the Commission's Rules to Further Streamline the Equipment Authorization Process for Radio Frequency Equipment, Modify the Equipment Authorization Process for Telephone Terminal Equipment, Implement Mutual Recognition Agreements and Begin Implementation of the Global Mobile Personal Communications by Satellite (GMPCS) Arrangements

GEN Docket No. 98-68

COMMENTS OF ICO GLOBAL COMMUNICATIONS

ICO Global Communications ("ICO")¹ submits the following comments in response to the Federal Communications Commission's ("FCC" or "Commission") Notice of Proposed Rule Making² addressing, *inter alia*, the implementation of the Global Mobile Personal Communications by Satellite ("GMPCS") Memorandum of Understanding ("MoU") and the implementing arrangements for that MoU ("Arrangements").

¹ ICO is the parent of a wholly owned group of companies that is developing a satellite system for the provision of global mobile satellite services ("MSS") that will operate in the 2 GHz MSS frequency bands. ICO is developing and will launch and operate a United Kingdom authorized global MSS system that will consist of 12 in orbit satellites operating on a non-common carrier basis.

² See 1998 Biennial Regulatory Review -- Amendment of Parts 2, 25 and 68 of the Commission's Rules to Further Streamline the Equipment Authorization Process for Radio Frequency Equipment, Modify the Equipment Authorization Process for Telephone Terminal Equipment, Implement Mutual Recognition Agreements and Begin Implementation of the Global Mobile Personal Communications by Satellite (GMPCS) Arrangements, GEN Docket No. 98-68, Notice of Proposed Rule Making, FCC No. 98-92 (May 18, 1998) (hereinafter the "NPRM").

I. INTRODUCTION

ICO supports the Commission's efforts to implement domestically the GMPCS-MoU and Arrangements as expeditiously as possible in order to facilitate the global roaming of GMPCS terminals through national territories without such terminals being subject to import restrictions.³ As the Commission notes, the rapid implementation of the GMPCS-MoU and Arrangements in the United States and the institution of a global registry and GMPCS marking regime will help to ensure the early introduction of these important new global voice, data and broadband services to developed and developing world markets.⁴ These global services will provide the first mobile telecommunications capabilities in many parts of the world.

In these comments, ICO requests that the Commission clarify two points raised in the NPRM. First, the Commission should clarify that the interim type approval procedure for GMPCS handsets set forth in the NPRM will apply to all GMPCS operators and not just the "Big LEO" service providers operating in the 1.6/2.4 GHz band. Such a clarification would ensure that a type approval procedure will be available for any GMPCS system pending the adoption of final GMPCS-MoU implementation regulations. Second, the Commission should clarify that although a full rulemaking proceeding is appropriate for the implementation of the GMPCS-MoU and Arrangements in the United States, the FCC does not intend to suggest that further regulation is necessary in all other countries and that the purpose of the GMPCS-MoU and Arrangements was to guide countries in streamlining their national regulatory regimes rather than to require such further regulation.

³ *NPRM* at ¶ 7.

⁴ *Id.* at ¶ 8.

II. THE COMMISSION'S INTERIM TYPE APPROVAL PROCEDURES FOR GMPCS HANDSETS SHOULD APPLY TO ALL MSS HANDSETS

The Commission recognizes that GMPCS systems planning to begin commercial operations near term require procedures for equipment authorization prior to the adoption of final rules implementing the GMPCS-MoU and Arrangements.⁵ To meet this need, the Commission states that it will accept, on an interim basis, type approval applications for GMPCS equipment operating in the 1.6/2.4 GHz band. This interim procedure, designed to address the immediate needs of the Big LEO operators planning to provide service in the near term, should specifically include MSS operators utilizing spectrum allocations in other bands. ICO, for example, expects to begin commercial operation in the 2GHz MSS frequency bands in the year 2000.

Thus, in order to ensure timely delivery of service in the United States, ICO's terminal manufacturers must begin the type approval process for their GMPCS handsets as early as late-1999. If the Commission completes a rulemaking to implement the GMPCS-MoU and Arrangements prior to that time, MSS providers, such as ICO, operating in frequency bands other than the 1.6/2.4 GHz band can rely on final type approval rules adopted by the Commission. If, however, the Commission experiences any delay in the rulemaking process, these MSS operators and their respective equipment manufacturers will face severe difficulties in distributing their handsets and will be placed at a distinct competitive disadvantage vis-à-vis their 1.6/2.4 GHz competitors. Given that the services offered by all of the GMPCS providers are similar, the applicability of the interim procedure should not be restricted. Therefore, the Commission should modify its interim GMPCS type approval procedure to apply to all MSS providers.

⁵ *Id.*

III. THE COMMISSION SHOULD NOT INTERPRET THE GMPCS-MOU FOR OTHER COUNTRIES

Although the NPRM is intended only, in the interim, to implement the GMPCS MoU and Arrangements for the United States, a number of statements by the Commission in the NPRM suggest an interpretation of the Arrangements that could negatively affect the overall implementation of these agreements among the various member states of the International Telecommunication Union. The Commission should clarify that its implementation of the GMPCS-MoU and Arrangements should not serve as a model for other nations, nor does the FCC intend to interpret implementation of the GMPCS MoU and Arrangements for any other nation.

The GMPCS-MoU and Arrangements set forth regulatory processes that GMPCS providers may follow to market their services around the world. The fundamental objective of the GMPCS-MoU and Arrangements is to remove the need for development of further regulatory schemes, not to “guide countries in developing national regulatory regimes,” as suggested by the NPRM.⁶ Many developing countries supported the informal process that produced the GMPCS-MoU because under that agreement they would be relieved of the need to implement a national regulatory scheme for licensing and type approval of GMPCS terminals.

This understanding will help greatly to streamline the introduction of GMPCS services worldwide by reducing the number of separate countries to which the terminal manufacturers must apply for type approval, and for which MSS operators’ service partners must seek blanket or class licensing, etc. To the extent that the NPRM suggests a different approach (*i.e.* each country should follow suit and develop its own type approval and other requirements), it undermines this understanding, as well as the efficiencies created by the GMPCS-MoU and Arrangements. The Commission, therefore, should clarify that the

⁶ *Id.* at ¶¶ 7 & 37.

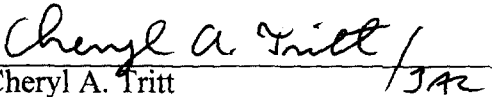
purpose of the GMPCS-MoU and Arrangements is to guide nations in avoiding unnecessary regulation rather than encourage the development of additional regulations, and that the Commission's implementation of this agreement is not intended to suggest any particular interpretation or implementation in any other country.

IV. CONCLUSION

ICO supports the Commission's efforts to implement quickly and efficiently the GMPCS-MoU and Arrangements and generally to streamline its equipment authorization processes. Moreover, clarification that all MSS operators and equipment manufacturers can rely if necessary on the interim type approval process, will help to ensure that all MSS providers can operate prior to adoption of final type approval rules and that no MSS provider will have an unfair competitive advantage. In addition, the Commission should ensure that in implementing the GMPCS-MoU and Arrangements, it advances the deregulatory spirit of these important international agreements.

Respectfully submitted,

Francis D. R. Coleman
Gregory Francis
ICO Global Communications
1101 Connecticut Avenue, N.W.
Suite 550
Washington, D.C. 20036
(202) 887-8111


Cheryl A. Tritt
James A. Casey
MORRISON & FOERSTER LLP
2000 Pennsylvania Avenue, N.W.
Suite 5500
Washington, D.C. 20006
(202) 887-1500


Counsel for ICO Global Communications

July 27, 1998

CERTIFICATE OF SERVICE

I, Kathryn M. Stasko, do hereby certify that the foregoing **COMMENTS OF ICO GLOBAL COMMUNICATIONS** were delivered, via hand delivery, on this 27th day of July, 1998, to the following:

Magalie Roman Salas Secretary Federal Communications Commission 1919 M Street, N.W., Room 222 Washington, D.C. 20554	Regina Keeney Chief International Bureau Federal Communications Commission 2000 M Street, N.W., Suite 800 Washington, D.C. 20554
Geraldine Matisse Chief Network Services Division Common Carrier Bureau Federal Communications Commission 2000 M Street, N.W., Suite 235 Washington, D.C. 20554	Vincent M. Paladini Network Services Division Common Carrier Bureau Federal Communications Commission 2000 M Street, N.W., Suite 235 Washington, D.C. 20554
Tracey Weisler International Bureau Federal Communications Commission 2000 M Street, N.W., Suite 800 Washington, D.C. 20554	Hugh Van Tuyl Office of Engineering and Technology Federal Communications Commission 2000 M Street, N.W., Suite 480 Washington, D.C. 20554
Julius Knapp Office of Engineering and Technology Federal Communications Commission 2000 M Street, N.W., Suite 480 Washington, D.C. 20554	


Kathryn M Stasko